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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 BRETT ELLIOTT SWALWELL,

13 Defendant.

NO. CR95-380-MJP

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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15 An initial hearing on a petition for violation of supervised release was held before the
16 undersigned Magistrate Judge on November 30, 2012. The United States was represented by
17 Assistant United States Attorney Nicholas Brown, and the defendant by Lynn Hartfield for
18 Michael Nance.

19 The defendant had been charged and convicted of Bank Robbery, in violation of 18
20 U.S.C. § 2113(a). On or about September 11, 1995, defendant was sentenced by the
21 Honorable William L. Dwyer, to a term of 151 months in custody, to be followed by 3 years of
22 supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in substance and mental
26

1 health programs, financial disclosure, \$11,004.00, and submit to search. By prior
2 modification: 90 days location monitoring (plus 60 days extension due to deviation).

3 In a Petition for Warrant or Summons, dated September 9, 2010, U.S. Probation Officer
4 Thomas J. Fitzgerald asserted the following violations by defendant of the conditions of his
5 supervised release:

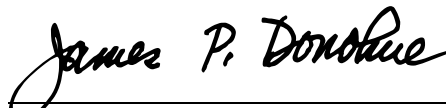
- 6 (1) Failing to participate in Moral Reconciliation Therapy (MRT) as directed since
7 August 25, 2010, in violation of his special condition of supervised release.
8 (2) Failing to report to the probation officer as directed on September 8, 2010,
9 in violation of standard condition number 2 of his supervised release.

10 On November 30, 2012, defendant made his initial appearance. The defendant was
11 advised of his rights, acknowledged those rights, and admitted violations 1 and 2.

12 I therefore recommend that the Court find the defendant to have violated the terms and
13 conditions of his supervised release as to violations 1 and 2, and that the Court conduct a
14 hearing limited to disposition. A disposition hearing on these violations has been set before the
15 Honorable Marsha J. Pechman on December 19, 2012 at 10:30 a.m.

16 Pending a final determination by the Court, the defendant has been detained.

17 DATED this 30th day of November, 2012.

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19 JAMES P. DONOHUE
20 United States Magistrate Judge

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23 cc: District Judge: Honorable Marsha J. Pechman
24 AUSA: Nicholas Brown
25 Defendant's attorney: Michael Nance
26 Probation officer: Thomas J. Fitzgerald